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February 17, 2000

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**VIA HAND DELIVERY**

Magalie R. Salas, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation by e.spire Communications, Inc**

***Application of SBC Communications Inc. For Authorization Under Section 271  
of the Communications Act To Provide In-Region, InterLATA Service in the  
State of Texas--CC Docket No. 00-4***

Dear Ms. Salas:

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's Rules, e.spire Communications, Inc. ("e.spire") by its attorneys, submits this notice in the above-captioned docketed proceeding of an oral *ex parte* presentation made and written *ex parte* materials distributed on February 17, 2000 during a meeting with Audrey Wright, Jessica Rosenworcel, Bill Dever, Claire Blue and John Stanley of the Common Carrier Bureau, Policy Division. The presentation was made by James C. Falvey, Vice President, Legal and Regulatory of e.spire; Faried Ahmed, Network Engineer of e.spire; and Ross A. Buntrock of Kelley Drye & Warren LLP. Copies of the written materials distributed at the meeting are attached hereto.

During the presentation, e.spire discussed its difficulties in obtaining interconnection trunks from Southwestern Bell Telephone Company ("SWBT") in Texas. Specifically, e.spire detailed the trunk provisioning delays it has experienced as a result of the SWBT's "slow-rolling" of the provisioning process, and the resulting network blockage and customer dissatisfaction that results. In addition, e.spire discussed the need for the Commission to ensure

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that SWBT meets its statutory and contractual obligations to pay reciprocal compensation, and the need for the Commission to impose a "customer liberation" period prior to granting SWBT 271 authority to allow CLECs, forced to order special access circuits pending the availability of enhanced extended links ("EELs"), to convert those circuits to UNEs without incurring termination penalties.

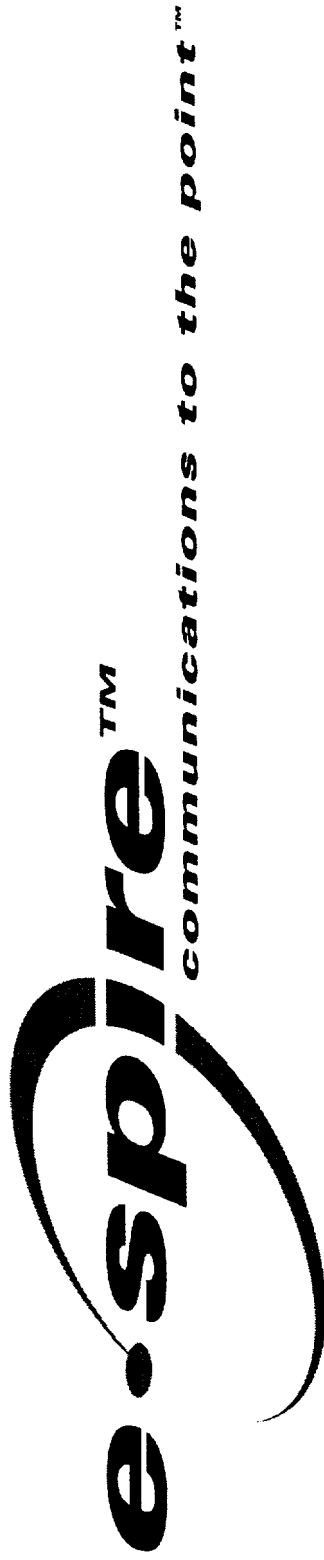
Pursuant to Sections 1.1206(b)(1) and (2), an original and two copies of this *ex parte* notification (with attachments) are provided for inclusion in the public record of the above-referenced proceeding. Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ross A. Buntrock".

Ross A. Buntrock

cc: FCC Attendees Listed  
International Transcription Services



**SBC-Texas 271 Application,  
CC Docket 00-4**

**James Falvey, e.spire Communications, Inc.  
Farid Ahmed, e.spire Communications, Inc.  
Ross Buntrock, Kelley Drye & Warren, LLP**

**February 16, 2000**

# Overview

- Background regarding e.spire
- Interconnection trunking issues
- Reciprocal compensation
- Fresh Look for special access

# Who Is e.spire Communications?

- Leading Integrated Communications Provider to small, medium sized businesses
- Switches in Austin, Dallas, El Paso, Fort Worth, San Antonio
- Voice services in 38 states, 48 U.S. markets



# Interconnection Trunking

- Interconnection Trunks Are Essential
  - Necessary to switch turn-up
  - Interconnection agreements require that orders for new trunks be placed as needed
  - No trunks available = inability to handle new customers

# Interconnection Trunking

- Record Replete With Examples of Discrimination In Trunk Provisioning
  - DOJ found SWBT performance data unreliable
  - Texas metrics are not complete (i.e. PM 73.1-- % orders held more than 90 days final in April)
  - Even questionable data shows blockage and provisioning delays

# Interconnection Trunking

- e.spire has experienced serious delays in Texas
- SWBT second-guesses e.spire's trunk orders
- Result is that SWBT delays turn-up of additional trunks (i.e. Dallas/Fort Worth) by months
- SWBT refuses to provide traffic reports that could prevent blockage before it occurs
- e.spire agrees with DOJ that serious trunk provisioning problems exist and SWBT has not demonstrated compliance on this record



# Reciprocal Compensation

- Texas PUC has ordered that ISP traffic be treated as local and subject to reciprocal compensation obligations (*Texas PUC, Order No. 25, June 1, 1998*)
- SWBT's traffic usage data is unreliable and under-reports local traffic e.spire receives from SWBT.
- SWBT, without basis, questions e.spire's reports
- Result is that SWBT under-pays e.spire
- Commission should not grant authority until SWBT reconciles SWBT's usage data

# Fresh Look for Special Access

- In light of the new EEL rules (effective tomorrow) the Commission should allow carriers locked into long-term special access contracts a period of “customer liberation” to allow conversion to EELs without incurring penalties
- Exorbitant termination penalties are a huge burden for facilities-based carriers